

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:
*The County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.*
Case No. 18-op-45090

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**HENRY SCHEIN DEFENDANTS' AMENDED TRIAL
EXHIBIT LIST**

Pursuant to the Civil Jury Trial Order, ECF No. 1598, entered on May 1, 2019, (as amended on July 29, 2019) and as set forth in the Parties' Joint Trial Exhibit Stipulation and Template submitted to the Court on August 16, 2019, attached as **Exhibit A** is Henry Schein, Inc. and Henry Schein Medical Systems, Inc.'s (the "Schein Defendants") Amended Trial Exhibit List. The Schein Defendants submit this amended trial exhibit list subject to the following reservation of rights:

- 1) To withdraw at any time any exhibit identified on this list;
- 2) To use admissible exhibits identified or used by Plaintiffs and/or any of the Defendants;
- 3) To supplement and/or to amend this list upon receipt of Plaintiffs' exhibit list, witness list and/or amendments and changes to Plaintiffs' or Defendants' deposition designations or counter-designations;
- 4) To supplement and/or to amend this list in the event that additional relevant documents or materials are produced in this action, identified in subsequent supplemental expert reports, or are discovered subsequent to the date of service of this exhibit list;
- 5) To supplement this list with any medical or scientific literature, other data, or [regulatory findings or communications] issued or published after the date of this submission;

6) To supplement and/or to amend this exhibit list or to use additional documents at trial as required for rebuttal, cross examination, demonstrative purposes, impeachment purposes, or to cure an evidentiary objection, or to the extent Plaintiffs proffer any documents which Plaintiffs have not listed, or to the extent that Plaintiffs purport to pursue claims or theories not set forth in their pleadings to date;

7) To supplement and/or to amend this list in response to rulings of the Court on pretrial motions, including any *Daubert* motions, Motions for Summary Judgment, or motions *in limine*, or any other Court decisions that affect the scope of evidence in this trial; and

8) To supplement and/or amend this list as necessary based on the Court's order regarding the severing of particular Defendants [ECF No. 2399] and/or as necessary based on the future severance, settlement, and/or dismissal of any other Defendants.

The Schein Defendants also reserve the right to object to the introduction and/or admissibility of any document listed on any parties' exhibit list. The inclusion of a particular document on the Schein Defendants' exhibit list does not waive any the Schein Defendants' right to object to the introduction and/or admissibility of that document for any purpose. Certain of the Schein Defendants' listed exhibits may also pertain to topics that are ultimately excluded from evidence at trial by motion *in limine* or one of the pending *Daubert* motions to exclude all or portions of certain Plaintiffs' experts' opinions. By listing such exhibits, the Schein Defendants do not intend to waive any right to object to the introduction and/or admissibility of those documents for any purpose. The Schein Defendants also reserve the right to use any deposition transcripts and any exhibits to deposition transcripts for any witnesses being called to testify at trial. The Schein Defendants reserve the right to use any and all documents or materials listed by any other party, including any other defendant even if such defendant may later settle, be severed, or be otherwise dismissed from the Track One trial. The Schein Defendants also reserve the right to introduce into evidence any document associated with designated deposition testimony.

The inclusion of any exhibit on an Exhibit List shall not waive or affect any prior confidentiality designation in this litigation. Certain exhibits that were previously produced

during discovery are identified by bates number or native file name. The Schein Defendants expressly reserve the right to use alternative copies of such exhibits where appropriate, including but not limited to certified, physical, color, redacted, and/or native documents, or copies without deposition exhibit stickers, or “Confidential” or “Highly Confidential” labels or legends. The Schein Defendants reserve the right to use at trial summaries created in accordance with Federal Rule of Evidence 1006 and demonstrative exhibits, including without limitation: charts, graphs, photographs, animations, timelines, objects, models, PowerPoint slides, drawings, graphics, and other demonstrative aids. The Schein Defendants reserve the right to offer enlargements of any exhibits on the list or on any party’s exhibit list.

Dated: October 7, 2019

Respectfully Submitted,

/s/ John P. McDonald

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served via the Court's ECF system to all
counsel of record.

/s/ John P. McDonald

John P. McDonald